

Applicant : Nobuaki EMA
Serial No. : 09/933,691
Filed : August 21, 2001
Page : 5 of 6

Attorney's Docket No.: 10830-074001 / A36-
134162M/NHK

REMARKS

Claims 1 and 5 are pending. Claims 1 and 5 have been amended to include the limitations of claims 2-4. No new matter has been added.

In view of the above amendments and the following remarks, the applicants respectfully request withdrawal of each of the rejections and allowance of the application.

Drawings

The Office action rejected FIG. 3 for failing to include the legend "Prior Art."

Applicants submit a proposed corrected drawing sheet labeled FIG. 3 with the legend "Prior Art." The substitute drawing sheet labeled FIG. 3 also has been corrected to include the reference "100" mentioned in the description.

In view of the above corrections and remarks, applicants respectfully request withdrawal of the objections to the drawings.

Claim Rejections 35 USC 103

Claims 1 and 5 have been rejected as unpatentable over the combination of Applicant's admitted prior art (AAPA) and U.S. Patent No. 6,024,498 (Carlisle et al.). The Office action also rejected claim 2 as being unpatentable over the combination of AAPA, the Carlisle et al. patent and U.S. Patent No. 4,830,490 (Kakii et al.).

Claims 3 and 4 have been rejected as being unpatentable over the combination of AAPA, Carlisle et al. and Kakii et al. patents, and U.S. Patent No. 6,480,651 (Rabinski). However, applicants respectfully submit that the Rabinski patent is not a valid prior art reference for the reasons discussed below.

The Rabinski patent has a US filing date of July 13, 2001 and an issue date of November 12, 2002. The present application has US filing date of August 21, 2001 which is later than the US filing date of the Rabinski patent (July 13, 2001). However, the present application has a foreign priority date of August 31, 2000 which is earlier than the US filing date of the Rabinski

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Page : 6 of 6

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patent (July 13, 2001). Thus, the Rabinski patent is not a valid prior art reference. Accordingly, the Rabinski patent is not prior art and claim 4 is patentable.

If the Examiner requires the submission of a certified English translation of the priority document for the present application along with a statement indicating the accuracy of the translation, we will provide such documents.

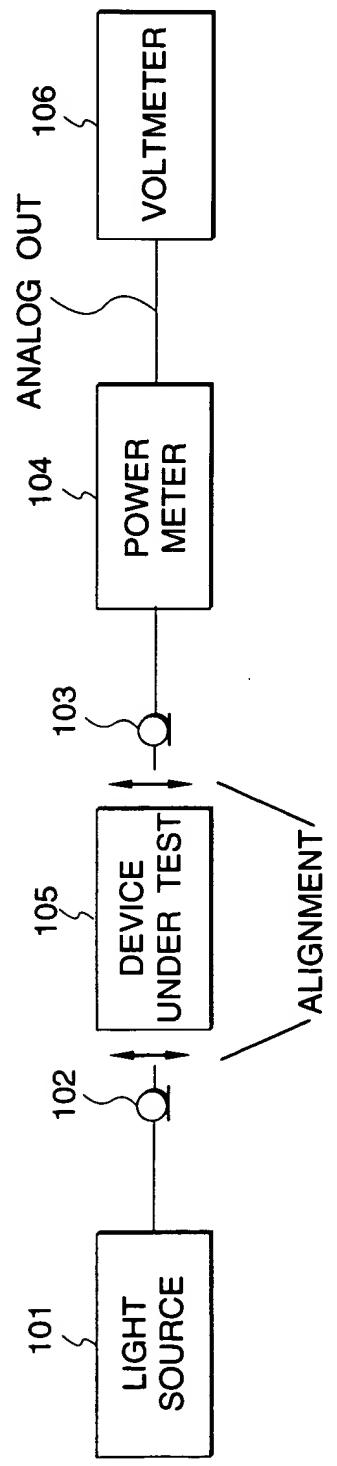
In addition, claims 1 and 5 has been amended to include the limitations of claims 2-4. Since claim 4 is allowable for the reasons above, amended claim 1 and 5 should be allowable for at least the same reasons as claim 4.

In view of the above amendments and remarks, applicants respectfully request withdrawal and allowance of claim 1 and 5.



3/3

FIG. 3 (Prior Art)



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